



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN
DIRECTOR

February 14, 1996
AO-96-02

Christopher A. Kenney, Esq.
Sherin and Lodgen
100 Summer Street
Boston, MA 02110

Re: Sponsorship of Non-Resident Fundraising Event

Dear Mr. Kenney:

This letter is in response to your January 11, 1996 request for an advisory opinion regarding the application of M.G.L. c. 55, s. 18B, which requires candidates or elected officials who "sponsor" a fundraising event in Massachusetts on behalf of a non-resident candidate to disclose contributions received at the event.

Question

Who "sponsors" a non-resident fundraising event where the event is organized by several Massachusetts candidates or elected officials?

Answer

Any candidate or elected official who is primarily responsible for arranging for a non-resident fundraising event, or taking significant action, such as being listed on the invitation card, to encourage fundraising in connection with such an event, or hosting an event, "sponsors" the event. If responsibility for the non-resident fundraising event is shared by a number of candidates or elected officials, each candidate or official "sponsors" the event and is, therefore, jointly responsible for ensuring the filing of one non-resident fundraising report.¹

Facts

You have stated that you represent State Treasurer Joseph D. Malone and his campaign committee, Citizens for Joe Malone.

¹ Such reports are filed using Form CPF 102NR ("Campaign Finance Report, Sponsorship of Non-Resident Fund Raising Event").

On December 9, 1995 a fundraising event was held, in Boston, to benefit the Dole for President campaign. Since Malone is listed first on the invitation to the fundraiser as Chair of Dole's Massachusetts campaign, this office orally advised you that Malone "sponsored" the event and was required to file a non-resident fundraising report, pursuant to M.G.L. c. 55, s. 18B. You state that although Malone assisted in planning the fundraiser, "there was no understanding among the various people involved in planning the Dole fundraiser about who was the 'sponsor' of that event responsible for reporting to OCPF" pursuant to the statute.

Discussion.

Chapter 43 of the Acts of 1994, effective January 1, 1995 (the Act), made significant changes to M.G.L. c. 55, the campaign finance law. In particular, the Act added section 18B to chapter 55, which provides as follows:

Each candidate or elected official who sponsors a fundraising event in the commonwealth on behalf of a non-resident candidate shall file with the director reports of contributions received by the non-resident candidate as a result of said fundraising event on forms to be prescribed by the director . . . on or before the thirtieth day following said fundraising event.

The statute applies only if the event raises more than \$1,000. It requires sponsoring candidates or officials to disclose contributors, the amount contributed, and the date of each contribution, as well as other information. In addition, M.G.L. c. 55, s. 3 now provides for the assessment of a penalty when reports are filed late.

Although section 18B defines "non-resident candidate" and "fundraising event," it does not define when a candidate or official "sponsors" an event. Standard rules of construction require us to look to the word's ordinary meanings. See M.G.L. c. 4, s. 6. Webster's New Collegiate Dictionary defines the verb "sponsor," in part, as "one who assumes responsibility . . ." or "a person or an organization that pays for or plans and carries out a project or activity."

Where a single candidate or elected official is primarily responsible for "sponsoring" a non-resident fund raising event, that person must file Form CPF 102NR. There will be occasions, however, where several candidates or officials have substantial responsibilities in connection with a non-resident fund raising event or otherwise share responsibility for the event. The statute requires "each" candidate or elected official who sponsors a non-resident fund raising event to file a report. It does not contemplate, however, that several candidates or officials arranging an event will each be required to file separate reports. Such a reading would result in duplicative

reports, a conclusion which is unnecessary to achieve the goal of the statute, i.e., disclosure.² Therefore, where several candidates or elected officials jointly sponsor an event, we recommend that the candidates and elected officials designate which candidate or official will be responsible for filing the report.³

If a question arises, however, as to which candidate(s) or elected official(s) is sponsoring an event, OCPF will make an initial determination identifying the event's "sponsor" based upon information available to us. More specifically, OCPF would determine which Massachusetts candidate or elected official appears to be the person primarily responsible for arranging for or endorsing the fundraising event or primarily responsible for taking action to encourage attendance at the event.

The office considers several factors to be relevant in determining whether a person is "primarily responsible." Those factors include, but are not limited to: whether a person's name appears on an invitation; whether media accounts identify the person as a sponsor or host of an event; and conduct of a person prior to, during, or after an event.

In this instance, the invitation to the event begins with a list of officers of Dole's Massachusetts campaign. The chair of the campaign, who is first on the list, is Malone. The invitation list also includes three co-chairs, four national finance co-chairs and the state finance chair. After this list, the invitation states "we request your participation in a holiday reception honoring" Dole's candidacy. Since Malone is the chair of the campaign and has also been prominently mentioned in media accounts for his support of Dole's candidacy for President, OCPF has initially identified Malone as the person "primarily responsible" and, therefore, the sponsor of the Dole event.

If requested, and if presented with facts that demonstrate that another candidate or official was primarily responsible, or that one or more candidates or officials were jointly responsible, the office may, of course, reconsider its initial determination of an event's sponsor. If the office subsequently concludes that a number of candidates or officials jointly sponsored an event, each sponsor would be jointly

² In addition, since section 18B is a criminal statute, it must be narrowly construed. Hence, we conclude that only one report is required for each non-resident fund raising event. See Weld v. OCPF, 407 Mass. 766 (1990).

³ Where several candidates or elected officials jointly sponsor an event, each sponsor should be listed on the report.

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subject to the obligation of filing the information and any penalties imposed by the campaign finance law if the information is not fully disclosed in a timely manner.

This opinion is solely in the context of M.G.L. c. 55 and is based only on the representations made in your letter. Should you have additional questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in dark ink and is positioned above the typed name.

Michael J. Sullivan
Director

MJS/cp